

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BRAD PACKER, on behalf of 1-800  
FLOWERS.COM, INC.,

Plaintiff,

-against-

RAGING CAPITAL MANAGEMENT, LLC,  
RAGING CAPITAL MASTER FUND, LTD.,  
WILLIAM C. MARTIN, and 1-800-  
FLOWERS.COM, INC.

Defendants.

Case No. 15-CV-5933 (ARL)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying memorandum of law dated July 16, 2021; the accompanying Declaration of Thomas J. Fleming, dated July 16, 202, and the exhibits thereto; the accompanying Declaration of William C. Martin, and the exhibits thereto; the accompanying Declaration of Don W. Ebanks, dated July 16, 2021; the accompanying Statement of Material Facts Pursuant Local Rule 56.1, dated May 13, 2021; and upon all pleadings and proceedings had herein, defendants Raging Capital Management, LLC (“the RIA”), Raging Capital Master Fund, Ltd. (“the Customer Fund”), and William C. Martin will move this Court before the Honorable Arlene R. Lindsay, United States District Judge, at the United States Courthouse, 100 Federal Plaza, Central Islip, New York 11722, on a date and time to be set by the Court, for an Order granting summary judgment in favor of the RIA, the Customer Fund, and Mr. Martin, or alternatively, dismissing the case for lack of standing.

Dated: New York, New York  
July 16, 2021

OLSHAN FROME WOLOSKY LLP

By: /s/ Thomas J. Fleming

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*and William C. Martin*